

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOHN FALITICO, JR.

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

5:05-cv-0548

5:01-cr-0435

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APPEARANCES:

OF COUNSEL:

John Falitico, Jr.

*Petitioner, Pro Se*

11099-052

Federal Correctional Institution

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Morgantown, WV 26507-1000

Office of the United States Attorney

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Syracuse, NY 13261-7198

John M. Katko, Esq.

**Hon. Norman A. Mordue, Chief U.S. District Judge**

**ORDER**

Presently before the Court for consideration is a request from petitioner to dismiss his 2255 motion. *See* docket no.10. By his request, petitioner states that he seeks the dismissal of this action with prejudice.

The Government has no objection to petitioner John Falitico's request to dismiss this 2255 motion. *See* docket no. 11.

In light of the foregoing, petitioner's request is granted and the Clerk is directed to dismiss this action with prejudice.

WHEREFORE, it is hereby

ORDERED, that petitioner's letter motion to dismiss this action with prejudice (docket no. 10) is granted, and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties hereto by regular mail.

IT IS SO ORDERED.

Dated: December 6, 2006  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge

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